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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/733,192

12/11/2003

James E. Dickens

BS030418

8045

7590

06/09/2006

Scott P. Zimmerman  
P.O. Box 3822  
Cary, NC 27519

EXAMINER

EKONG, EMEM

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 06/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/733,192	<b>Applicant(s)</b> DICKENS ET AL.	
	<b>Examiner</b> EMEM EKONG	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/23/2006 has been entered.

### ***Oath/Declaration***

2. Previous objection to the oath or declaration is hereby removed because applicant states that the residence address is the same as the mailing address.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 13-16 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,675,008 B1 to Paik et al. (Paik).

Regarding claim 13, Paik discloses a device for alerting a subscriber of calling line identification information associated with a call, the device comprising: a receiver wirelessly receiving only calling line identification information from a base station, a display continuously presenting the calling line identification information for a duration of the call, wherein when the calling line identification information is received, the device presents the calling line identification information to the subscriber, thus informing the subscriber of the calling line identification information associated with the call (see figures 1 and 2, co. 4 lines 55-65, col. 5 lines 40-62, and col. 11 lines 51-61).

Regarding claims 14 and 15, the combination of Paik and Saboorain discloses a device according to claim 13, the device further comprising circuitry producing an alerting signal upon activation, wherein the alerting signal is at least one of visual, audible, and tactile (Paik, see figure 2, col. 4 lines 55-58, and col. 10 lines 53-52)..

Regarding claim 16, Paik discloses a device according to claim 13, wherein the device continuously presents the calling line identification information during the telephone call (col. 11 lines 51-58)

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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9. Claims 1-4, 6, 8-12, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paik in view of US Patent No. 6,061,560 to Saboorain et al. (Saboorain).

Regarding claim 1, Paik discloses a system for alerting a subscriber of network-associated information upon receipt of a call, the system comprising: a base station wirelessly transmitting to an accessory device (see abstract, col. 1 lines 9-17, and col. 2 lines 11-14);

the base station receiving the call from a communications network, the base station transmitting only calling line identification information to the accessory device (col. 4 lines 37-46, and col. 10 lines 9-11), the network-associated information representing signaling within the communications network, the network-associated information outside a voice portion of the call (col. 4 line 61- col. 5 line 40, col. 8 lines 47-58, and col. 10 lines 3-8); and

the accessory device including a wireless receiver and a display, the receiver wirelessly receiving only the calling line identification information (col. 4 lines 55-60, and col.5 lines 41-66)

and the display continuously presenting only the calling line identification information for a duration of call, wherein when the call is received, the accessory device continuously presents the calling line identification information to the subscriber, thus informing the subscriber of a caller identity associated with the call (col. 11 line 63- col. 12 line 18).

However, Paik fails to specifically disclose the base station including a transmitter.

Saboorn discloses the base station including a transmitter (see figure 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Paik, and have the base station with transmitter for the purpose of transmitting calls from its origin to its destination.

Regarding claim 8, Paik discloses a method for alerting a subscriber of calling line identification information associated with the call (col. 1 lines 9-17, and col. 2 lines 11-14),

the method comprising: receiving the call at a base station, the call comprising the calling line identification (see figure 1, col. 4 lines 37-50, col. 5 lines 3-40, col. 6 lines 1-36, and col. 10 lines 9-11),

wirelessly transmitting only the calling line identification information to an accessory device; and continuously presenting the calling line identification information to the subscriber for a duration of the call (col. 4 lines 35-65, col. 5 lines 40-62, and col. 11 lines 51-62),

wherein the subscriber is alerted to the calling line identification information associated with the call (col. 4 lines 55-58, and col. 10 lines 53-52).

However, Paik fails to disclose the base station transmitting with a transmitter.

Saboorn discloses the base station with a transmitter (see figure 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Paik, and have the base station with transmitter for the purpose of transmitting calls with the use of the transmitter from origin to termination.

Regarding claims 2 and 3, the combination of Paik and Saboorain discloses a system according to claim 1, the accessory device further comprising circuitry producing an alerting signal upon activation and wherein the alerting signal is at least one of visual, audible, and tactile (Paik, see figure 2, col. 4 lines 55-58, and col. 10 lines 53-52).

Regarding claim 4, the combination of Paik and Saboorain discloses a system according to claim 1, wherein the accessory device continuously displays a called telephone number for the duration of an outbound call (Paik, col. 4 lines 55-57, col. 5 lines 59-60, col. 6 lines 37-45, and col. 11 lines 51-58).

Regarding claim 6, the combination of Paik and Saboorain discloses a system according to claim 1, wherein the accessory device continuously presents the calling line identification information until an on-hook condition is detected (Paik, col. 11 lines 55-65).



Regarding claims 9-12, 17, and 18 the combination of Paik and Saboorain discloses a method according to claim 8, further comprising producing an alerting signal upon receipt of the network-associated information,

further comprising producing a visual alerting signal upon receipt of the network-associated information,

further comprising producing an audible alerting signal upon receipt of the network-associated information,

further comprising producing a tactile alerting signal upon receipt of the network-associated information (col. 4 lines 55-58, and col.10 lines 53-52).

10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paik in view of Saboorain, and further in view of US Publication No. 20040209604 A1 to Urban et al.

Regarding claim 5, the combination of Paik and Saboorain discloses a system according to claim 1, and continuously presentation of calling line identification information for the duration of call, however, the combination fails to disclose wherein the accessory device continuously presents a time that the call was received for the duration of the call.

Urban et al. discloses wherein the accessory device continuously presents a time that the call was received for the duration of the call (see figure 3 and pars. 15 and 44).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination, and have the accessory device

continuously presents a time that the call was received for the duration of the call as disclosed by Urban et al. for the purpose of relaying caller information.

11. Claims 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paik in view of Saboorain, and further in view of US Patent No. 5,553,125 to Martensson.

Regarding claim 7, the combination of Paik and Saboorain discloses a system according to claim 1, however, the combination fails to disclose wherein when the calling line identification information is received, a processor in the accessory device compares a calling telephone number to selected telephone numbers stored in memory,

If a match is found, then the processor produces an alerting signal to alert of the incoming call, If no match is found, then processor does not produce the alerting signal to screen the incoming call, and If the calling line identification information is not included with the call the processor screens the incoming call.

Martensson discloses wherein when the calling line identification information is received, a processor in the accessory device compares a calling telephone number to selected telephone numbers stored in memory (see figure 5 and col.4 line 40-col. 5 line 29).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination, by reversing the invention of Martensson such that when the calling line identification information is received, a processor in the accessory device compares a calling telephone number to selected telephone numbers stored in memory, If a match is found, then the processor produces

an alerting signal to alert of the incoming call, If no match is found, then processor does not produce the alerting signal to screen the incoming call, and If the calling line identification information is not included with the call the processor screens the incoming call for the purpose of call screening.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMEM EKONG whose telephone number is 571 272 8129. The examiner can normally be reached on 8-5 Mon-Fri..

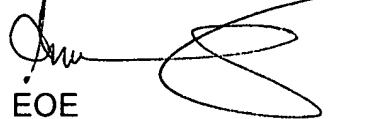
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571 272 7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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A handwritten signature in black ink, appearing to be "J. Wu", with a large, stylized loop at the end.

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6/2/06

A handwritten signature in black ink that reads "Nick Corsaro".

NICK CORSARO  
PRIMARY EXAMINER